

FORM PTO-1390  
(REV 2-2005)  
OMB-0651-0021

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
12007-0051

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: May 13, 2005

U.S. APPLN. NO.  
(IF KNOWN, SEE 37 C.F.R. 1.5)

**Not yet assigned**

10/534885

INTERNATIONAL APPLICATION NO.  
**PCT/DE2003/003787**

INTERNATIONAL FILING DATE  
**November 14, 2003**

PRIORITY DATE CLAIMED  
**November 15, 2002**

**TITLE OF INVENTION: BIODEGRADABLE COLLOIDAL PARTICLES FOR PULMONARY APPLICATIONS IN PARTICULAR (AS AMENDED)**

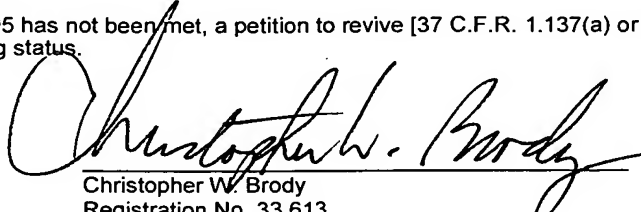
**APPLICANT(S) FOR DO/EO/US: Werner SEEGER, Thomas SCHMEHL, Tobias GESSLER, Ann Lea DAILEY, and Matthias WITTMAR**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]. **UNEXECUTED**
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLN. NO. (IF KNOWN) SEE 37 C.F.R. 1.50) <b>10/534885</b> Not yet assigned		INTERNATIONAL APPLICATION NO. <b>PCT/DE2003/003787</b>		ATTORNEY DOCKET NO. 12007-0051 DATE: May 13, 2005	
<input checked="" type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
<input checked="" type="checkbox"/> 21.) Basic National Fee ..... <b>\$300</b>				\$ 300	
<input checked="" type="checkbox"/> 22.) Examination Fee - If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$100</b> All other situations ..... <b>\$200</b>				\$ 200	
<input checked="" type="checkbox"/> 23.) Search Fee - If Search Fee (37 CFR 1.445(a)(2) has been paid in the International Application to the USPTO as an International Searching Authority ..... <b>\$100</b> International Search Report prepared and provided to the Office. <b>\$400</b> All other situations ..... <b>\$500</b>				\$ 400	
<b>TOTAL OF 21, 22 and 23 =</b>				\$ 900	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.				\$ 0	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100	/50=		x <b>\$250</b>	\$ 0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(h)].				\$ 0	
Claims	Number Filed	Number Extra	Rate		
Total Claims	24 - 20 =	4	X \$50.00	\$ 200	
Independent Claims	2 - 3 =	0	X \$200.00	\$ 0	
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$ 0	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,100	
Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½				\$ 550	
<b>SUBTOTAL =</b>				\$ 550	
Processing fee of \$130.00 for furnishing the English translation later the 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].				\$ 0	
<b>TOTAL NATIONAL FEE =</b>				\$ 550	
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				\$ 0	
<b>TOTAL FEES ENCLOSED =</b>				\$ 550	
				Amount to be refunded	\$
				Charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of <b>\$550</b> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge Counsel's Deposit Account No. 50-1088 in the amount of \$_____ to cover the above fee. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-1088. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.					
<b>SEND ALL CORRESPONDENCE TO:</b> <b>CLARK &amp; BRODY</b> 1090 Vermont Avenue, N.W. Suite 250 Washington, D.C. 20005 Telephone: 202-835-1111 Fax: 202-835-1755 Customer Number: 22902					
 Christopher W. Brody Registration No. 33,613 Date: May 13, 2005					